THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.20514 of 2006

Dated:29th September, 2006

Between:

B.Mallesham.

…..PETITIONER

AND

The Depot Manager, A.P.S.R.T.C,
Devarakonda Bus Depot,
Nalgonda Dist.

….RESPONDENT

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.11975 of 2006

ORDER:

This writ petition is filed assailing the proceedings of the respondent-Depot Manager, A.P.S.R.T.C, Devarakonda Bus Depot, Nalgonda District, in proceedings No.P3/105(43)/95-DVK, dated 8-7-1996, by which the petitioner who is a Drivaer was imposed a major punishment of deferment of annual increment for a period of one two years with cumulative effect, without conducting any enquiry.

The operative portion of the impugned order of the respondent reads thus:

> *"I, therefore, hereby order that your annual increment be postponed for a period of TWO YEARS which shall have the effect of postponing your future increments and an amount of Rs.1000/- be recovered from your salary in ten equal installments."*

It is the case of the petitioner that he is working as Driver at respondent-Depot and he was issued a charge-sheet dated 14-11-1995 on the allegation of negligent driving, for which the petitioner submitted explanation. It is the further case of the petitioner that proceedings of the respondent-Depot Manager, A.P.S.R.T.C, Devarakonda Bus Depot, Nalgonda District, in proceedings No.P3/105(43)/95-DVK, dated 8-7-1996 imposing punishment of deferment increment for a period of two years with cumulative effect is a major punishment and cannot be imposed without conducting departmental enquiry and such imposition is contrary to law and contrary to the Judgment of the Supreme court in ***Kulwanth Singh Gill v. State of Punjab*** [1], and due to such major punishment the petitioner is facing much financial problems as he is drawing less salary.

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

Admittedly, the respondent without conducting departmental enquiry imposed the penalty of stoppage of annual increment for a period of one year, with cumulative effect on the basis of the charges leveled against the petitioner which is a major penalty as is held by this Court in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005 following the Judgment of the Supreme Court in ***Kulwanth Singh Gill v. State of Punjab.*** The operative portion of the judgment in W.P.No.23114 of 2005, dated 27-10-2005 reads thus:

> *"In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.*
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> *Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs."*

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 directing the respondents as under.

The respondent is directed to treat the impugned order in proceedings in No.P3/105(43)/95-DVK, dated 8-7-1996 as the one for stoppage of annual increment, for a period of two years without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

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(N.V. RAMANA, J.)

Date:29th September, 2006.
GRK

[1] 1990 (1) LLJ 635